

**BEFORE THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS**

In the Matter of the Investigation of )  
**Dragoon Trucking LLC of Arma,** )  
**Kansas,** Regarding the Violation of the ) Docket No. 21-TRAM-360-OOS  
Motor Carrier Safety Statutes, Rules and )  
Regulations and the Commission's )  
Authority to Impose Penalties, Sanctions )  
and/or the Revocation of Motor Carrier )  
Authority.

**MOTION TO SUSPEND INTRASTATE MOTOR CARRIER OPERATIONS**

The Staff of the State Corporation Commission of the State of Kansas (Staff), by and through its counsel, files its motion requesting the Commission suspend Dragoon Trucking LLC of Arma, Kansas (Carrier) from all intrastate commercial motor carrier operations. In support of its Motion, Staff states as follows:

1. Carrier is a motor carrier as defined in 49 C.F.R. Part 390.5, as adopted by K.A.R. 82-4-3f, that operates commercial motor vehicle(s) in interstate commerce.
2. Carrier is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT number 3411100.
3. Carriers participating in certain types of intrastate motor carrier operations in Kansas must apply for Commission authority pursuant to K.S.A. 1,115a, which states that authority will be granted "if the applicant demonstrates the applicant is fit, willing and able to perform such service and is in compliance with the commission's safety rules and regulations."
4. K.A.R. 82-4-26 states "in order to demonstrate that each applicant is fit, willing and able to serve, the applicant shall attend an educational seminar on motor carrier operations conducted by the commission."

5. Due to the ongoing global pandemic, on March 17, 2020, the Commission issued an order in Docket No. 20-TRAM-392-PEN temporarily suspending the requirements of K.S.A. 66-1,115a and K.A.R. 82-4-26, requiring attendance at a motor carrier safety seminar for new motor carrier applicants.<sup>1</sup> The Commission noted its intent to issue a subsequent order lifting the temporary suspension when such Commission Sponsored Safety Seminars are deemed safe to resume.<sup>2</sup>

6. In Docket No. 21-TRAM-5008-TRA, on August 6, 2020, the Commission issued Carrier an Order Granting Application for Certificate of Public Service that conferred Commission authority to operate as a carrier of property other than household goods and passengers.<sup>3</sup> Due to the temporary suspension of the requirement to attend safety seminars, Carrier was not required to attend a safety seminar prior to being granted Commission authority to operate.

7. On October 22, 2020, the Commission issued an order ending its temporary suspension of the requirement to attend safety seminars.<sup>4</sup> The Commission ordered motor carriers required to attend a Commission Sponsored Safety Seminar “...as a new applicant pursuant to K.A.R. 82-4-26...shall have ninety (90) days from the date of this order to attend such seminar.”<sup>5</sup>

8. Carrier was sent a letter on October 22, 2020, reminding it of its obligation to attend a Commission sponsored safety seminar by Wednesday, January 27, 2021. The letter noted that “failure to comply with a Commission statute, regulation or order...may result in additional sanctions, including suspension and/or revocation of your motor carrier operating authority.” The letter sent to Carrier is attached hereto as Attachment A and made a part hereof by reference.

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<sup>1</sup> See Emergency Order Temporarily Suspending the Requirement to Attend Commission Sponsored Safety Seminars During State of Emergency (Mar. 17, 2020).

<sup>2</sup> *Id.* at ¶ 10.

<sup>3</sup> Order Granting Application for Certificate of Public Service, (August 6, 2020).

<sup>4</sup> See Order Lifting Emergency Order Temporarily Suspending the Requirement to Attend Commission Sponsored Safety Seminars During State of Emergency, Ordering Clause A (Oct. 22, 2020).

<sup>5</sup> *Id.* at Ordering Clause B.

9. As of March 22, 2021, Commission records indicate that Carrier has not complied with the Commission's October 22, 2020 Order in that it had not attended a Commission sponsored safety seminar.

10. Staff asks the Commission find that Carrier's failure to comply with the requirements of the Commission's October 22, 2020 Order poses a potential immediate threat to the safety and welfare of the public of the state of Kansas.

11. Based on the presented facts, Staff requests the Commission issue an order suspending Carrier's intrastate motor carrier operations until such time as Carrier attends a Commission-sponsored safety seminar, at which time Staff will recommend the Commission enter an order of reinstatement of intrastate motor carrier operations.

**WHEREFORE**, for the reasons stated above, Staff respectfully requests that the Commission issue an order suspending Carrier's intrastate motor carrier authority.

Respectfully submitted,

*/s/ Ahsan A. Latif*

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For Commission Staff

## NOTICE OF MANDATORY KCC SAFETY SEMINAR ATTENDANCE

October 22, 2020

Dear Motor Carrier,

My name is Ahsan Latif and I am Litigation Counsel representing the Transportation Staff (Staff) of the Kansas Corporation Commission (Commission). This letter serves to notify you of your obligation to have the employee responsible for safety within your motor carrier operations attend a Commission sponsored seminar (safety class) by Wednesday, January 27, 2021. This obligation to attend a safety class is the result of the following:

1. You recently applied for and were granted authority to operate as a motor carrier in the state of Kansas. Pursuant to K.A.R. 82-4-26, you are required to attend a safety class to demonstrate your fitness to operate; or
2. A Commission Order was issued to you requiring your attendance at a safety class and directing you to send proof of your attendance to Transportation Staff.

Due to the ongoing global pandemic, the Commission on March 17, 2020, temporarily suspended the requirement to attend an in-person safety class. On October 22, 2020, the Commission issued an order lifting that temporary suspension and requiring any carrier obligated to attend such a class ninety (90) days from the date of the October 22, 2020 Order to attend a virtual safety class. Ninety days from October 22, 2020 is January 27, 2021, after an adjustment for holidays.

**TO SCHEDULE YOUR CLASS:** Safety classes are being offered virtually almost every working day. You will be able to attend the class through the internet or by phone. There is no cost to attend the safety class, but your attendance is mandatory. Materials for the safety classes are provided and are available as links to download during the signup process and on the website. You can sign up for a safety class at <https://kcc.ks.gov/transportation/calendar-of-events>. Each session will be led by two Staff Special Investigators and will be limited to approximately ten participants. When a class has reached ten sign-ups it will be closed and you will have to pick a different date. If you have questions please contact the Transportation Division at (785) 271-3145.

**IF YOU FAIL TO ACT:** Failure to attend a class by January 20, 2020 is a failure to comply with a Commission statute, regulation or order and may result in additional sanctions including suspension and/or revocation of your motor carrier operating authority. Operating while your motor carrier operating authority is suspended would result in potentially being placed out-of-service at roadside leading to severe repercussions.

Respectfully,  
/s/ Ahsan A. Latif  
Litigation Counsel

**CERTIFICATE OF SERVICE**

21-TRAM-360-OOS

I, the undersigned, certify that a true and correct copy of the above and foregoing Motion to Suspend Intrastate Motor Carrier Operations was e-mailed this 22<sup>nd</sup> day of March, 2021, to the following:

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/s/ Vicki Jacobsen  
Vicki Jacobsen